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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,495	07/20/2000	Michael Kenneth Brown	19-26	3563

7590 01/08/2004

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,495

Applicant(s)

BROWN ET AL.

Examiner

Ramy M Osman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/18/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on December 18, 2003 where applicant cancelled claim 8, and has amended claims 1,9,and 13-19. The previously indicated allowability of claims 9-11,13,14,16 and 17 is withdrawn. A new non-final action is being attached with this communication in view of the newly found references. Claims 1-7 and 9-20 are pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered.
2. Applicants remarks regarding amended claims are sufficient to overcome the prior-art references. A response to the remarks will not be given because they are moot in view of the new ground(s) of rejection.

Response to Amendment

3. The examiner acknowledges the amended claims 1,9 and 13-19 filed on 12/18/2003. Applicants request for allowance is respectfully denied based on the newly cited art below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4,6 and 9 rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al. (U.S. Patent No. 6,421,733).

6. In reference to claim 1, Tso teaches an apparatus, a method, and a corresponding program comprising:

At least one server within a network which processes a client request to determine client type, to retrieve web content, to retrieve augmentation file(s) associated with web content or client type, and to alter web content in accordance with augmentation file(s), wherein altered content is then delivered to client device (Abstract, column 3 lines 7-65, and column 6 lines 24-67, Tso discloses a transcoding server processing a request from a client device to retrieve Internet content, to select a transcode service provider to transcode content in accordance with client device and predetermined selection criteria, and wherein transcoded content is then transmitted to the client device)

Wherein the server parses the retrieved web content into one or more component structures, subsequently applies a pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files (column 3 lines 6-16, column 4 lines 6-47, column 10 lines 15-67 and column 14 lines 45-67, Tso discloses

a parser on the server which parses content by determining content type and detecting designated components to be transcoded in accordance with the transcode service provider(s)).

7. In reference to claim 2, Tso teaches the apparatus of claim 1 wherein the client device comprises at least one of a computer, a personal digital assistant, a wireless telephone and a voice browser-equipped device (column 2 lines 50-55 and column 8 lines 34-40, Tso discloses the client device as any computer with communication capability including PDA's and other types of electronic devices)

8. In reference to claim 3, Tso teaches wherein the web content is at least partially in either an HTML or XML format (column 3 lines 30-67, Tso discloses content as being different types of data including HTML)

9. In reference to claim 4, Tso teaches the apparatus of claim 1 wherein the augmentation file(s) is/are co-located with the web content at a site remote from the server (column 9 lines 25-50, Tso discloses where the transcoding can be performed by the content provider at the content server)

10. In reference to claim 6, Tso teaches wherein the server comprises a web proxy server configured between a device associated with the client and another server which provides the content identified in the client request (column 3 and column 4 lines 5-15, Tso discloses a transcoding server coupled between a client device and Internet web servers)

11. In reference to claim 9, Tso teaches wherein the pattern matching process utilizes a pattern matching expression comprising of context, pattern, precedence and replacement elements (column 3 lines 6-67, column 7 line 15 – column 8 line 40 and column 14 lines 45-67,

Tso discloses detecting designated components based upon predetermined selection criteria for different types of data content)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (U.S. Patent No. 6,421,733) in view of Mohan et al. (IEEE Publisher # 1520-9210/99).

Tso teaches claim 1 above including where the transcoding can be performed by the content provider at the content server (column 9 lines 25-50). Mohan explicitly teaches wherein content adaptation is performed at a site remote from the server (page 105, column 1 lines 1-30).

It would have been obvious to one having ordinary skill in the art to modify Tso by performing the content adaptation at a site remote from the server as per the teachings of Mohan so to prevent overload and to allow optimal performance of the servers.

14. Claims 5,7,10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (U.S. Patent No. 6,421,733) in view of Li et al. (U.S. Patent No. 6,345,279).

15. In reference to claim 5, Tso teaches claim 1. Tso does not explicitly teach wherein an augmentation file comprising a patch file. However, Li teaches transcoding a document for a

client device by using an InfoPyramid data structure which is a record or file applied to data to perform an operation on it (column 4 lines 50-67).

It would have been obvious to one having ordinary skill in the art to modify Tso by making the augmentation file comprise a patch file as per the teachings of Li so that specific records can be used for accurately transcoding content.

16. In reference to claim 7, Tso teaches claim 1 above including the transcoding server distinguishing between clients (column 9 line 65 – column 10 line 36). Tso does not explicitly teach wherein the server determines the client type using at least one of an HTTP header element, a client-identifying cookie, and an HTTP GET request QUERY_STRING attribute. However, Li teaches transcoding a document for a client device and determining client type using a client profile obtained in an HTTP request header (column 2 lines 19-40 and column 5 line 63 – column 6 line 50).

It would have been obvious to one having ordinary skill in the art to modify Tso by making the server determine the client type by using at least one of an HTTP header element, a client-identifying cookie, and an HTTP GET request QUERY_STRING attribute as per the teachings of Li so to identify client devices so that the content can be properly transcoded for them.

17. In reference to claims 10 and 11, Tso teaches claim 9 above. Tso does not explicitly teach wherein the context element contains instructions of the form pattern:replacement and the precedence element specifies an order of application of the instructions associated with context element. However, Li teaches context elements with instructions for specifying a replacement mechanism to be implemented upon content items. The replacement mechanism of Li is in the

form of an InfoPyramid structure in which multiple representations of an item are organized so that an order of application can be applied to content items for transcoding (column 4 line 50 – column 5 line 62).

18. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (U.S. Patent No. 6,421,733) in view of Himmel (U.S. Patent No. 6,167,441).

19. In reference to claim 12, Tso teaches claim 1 above. Tso does not explicitly wherein the received client request is associated with a plurality of different client devices and the retrieved augmentation file(s) comprise one or more files for each of the different client devices.

However, Himmel teaches customizing a web page and receiving client requests associated with a plurality of devices and retrieving format information for each of the client devices (column 4 lines 35-67 and column 6 lines 28-67).

It would have been obvious to one having ordinary skill in the art to modify Tso by making the received client request associated with a plurality of different client devices and the retrieved augmentation file(s) comprise one or more files for each of the different client devices as per the teachings of Li so that multiple clients can be services for transcoding simultaneously.

20. In reference to claim 13, Tso teaches claim 1 above which includes At least one server within a network which processes a client request to determine client type, to retrieve web content, to retrieve augmentation file(s) associated with web content or client type, and to alter web content in accordance with augmentation file(s), wherein altered content is then delivered to client device (Abstract, column 3 lines 7-65, and column 6 lines 24-67, Tso discloses a transcoding server processing a request from a client device to retrieve Internet content, to select

a transcode service provider to transcode content in accordance with client device and predetermined selection criteria, and wherein transcoded content is then transmitted to the client device).

Tso does not explicitly teach wherein the client device comprises a virtual client device having a combination of a plurality of different features provided by multiple distinct physical devices. However, Himmel teaches customizing a web page for client devices wherein the devices are distinct physical devices having different sets of features (column 1 lines 40-55 and column 6 lines 28-67).

It would have been obvious to one having ordinary skill in the art to modify Tso by the client device comprise a virtual client device having a combination of a plurality of different features provided by multiple distinct physical devices as per the teachings of Li so that a combination of distinct physical devices can be services for content transcoding.

21. Claims 14-20 do not teach or define any new limitations above claims 1-13 as mentioned above and are therefore rejected for similar reasons.

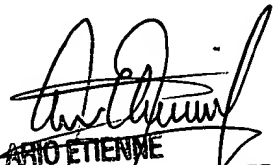
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on Monday through Friday 9AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

RMO
December 28, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100